IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 33118 of 2007(P)

PETITIONER:

C.I.JAYLAKSHMI,
JUNIOR ASSISTANT,
KERALA STATE BACKWARD CLASSES DEVELOPMENT CORPORATION LTD., DISTRICT OFFICE,
THIRUVANANTHAPURAM-695 003.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: RESPONDENTS
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1. **STATE OF KERALA**
   REPRESENTED BY THE PRINCIPAL SECRETARY,
   SC/ST DEVELOPMENT DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-1.

2. **KERALA STATE BACKWARD CLASSES**
   DEVELOPMENT CORPORATION LTD.,
   REPRESENTED BY ITS MANAGING DIRECTOR, PATTOOR,
   VANCHIYOOR P.O., THIRUVANANTHAPURAM 695 035.

BY SPL.GOVERNMENT PLEADER SRI. SANTHOSH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/11/2007 ALONG WITH WPC.NO.33034 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) Nos. 33034 & 33118 of 2007

Dated this the 19th November, 2007

J U D G M E N T

Petitioners are working as Junior Assistants on daily wage basis under the 1st respondent Corporation. According to them, they have been working since 1995 when the Corporation was incorporated. They had completed 13 years of service but their services have not been regularised so far. Pursuant to the earlier direction issued in Exhibit-P1, the Board of Directors of the 2nd respondent Corporation unanimously resolved to recommend that the services of petitioners be regularised as a special case, as evidenced by Exhibit-P3. The said request was forwarded to the Government. The petitioners in turn submitted a representation before the Government. They approached this Court in W.P. (C) 31697/2007, which was disposed of by Exhibit-P6 judgment directing the Government to look into Exhibit-P3 and take a decision. Apparently, without noticing Exhibit-P6 judgment, Government proceeded to pass Exhibit-P7 order rejecting the petitioners' request for regularisation of their services. One of the reasons stated in Exhibit-P7 is that as per the direction issued by the Hon'ble Supreme Court in **State of**

Karnataka Vs. Ms. Umadevi [2006 (4) SCC 1] the petitioners are not entitled for regularisation of provisional service.

2. Exhibit-P7 order is under challenge in this writ petition. Learned counsel for the petitioners submit that a reading of the order passed by the Government would show that the direction issued by this Court in Exhibit -P6 judgment dated 25.10.2007 has not been taken note of by the Government. This may probably be because, the Government Order is dated 22.10.2007. He also submits that as a matter of fact that the order has been issued subsequent to Exhibit-P6 judgment. I do not think it is necessary to enter into this controversy at this stage.

3. Learned Special Government Pleader Sri.Santhosh Kumar submits that in circumstances where this Court directed the Government to consider further steps to be taken pursuant to Exhibit-P3 recommendation of the Board of Directors, the Government will acts in conformity with Exhibit-P6 judgment. Submission is recorded. He also submits that fresh orders will be passed pursuant to Exhibit-P6 judgment untrammelled by the order dated 25.10.2007.

4. In the circumstances, this writ petition is disposed of directing the 1st respondent to pass fresh orders in the light of Exhibit-P6 judgment in W.P. (C) No.31697 of 2007. While passing such orders, the Government shall take note of the observations made by the Supreme Court in paragraph 53 of the judgment in **State of Karnataka Vs. Ms. Umadevi [2006 (4) SCC 1]** which contemplates regularisation of service of persons who have been working in Government or Government undertakings for more than 10 years, as a one time measure, provided the appointments were not illegal.

5. In the circumstances where the petitioners have been working for more than 13 years on daily wage basis, it is only appropriate that they shall be permitted to continue till fresh orders are issued by the Government in the manner aforementioned, within three months from the date of receipt of a copy of this judgment. The petitioner shall also be heard before a decision is taken in this regard.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007